



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,589	04/08/1999	EDWARD PETER SOCCI	30-4424	7650

7590 04/17/2003
HONEYWELL INTERNATIONAL INC.
15801 WOODS EDGE ROAD
COLONIAL HEIGHTS, VA 23834

EXAMINER

JOHNSTONE, ADRIENNE C

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 04/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Applicant(s)

09/288,589

Applicant(s)

SOCCI ET AL.

Examiner

Adrienne C. Johnstone

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): the 35 U.S.C. 112 2nd paragraph rejection of claims 29 and 30.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 29-31.Claim(s) objected to: 5, 6 and 13-15.Claim(s) rejected: 1-3, 9-11 and 16-22.Claim(s) withdrawn from consideration: 7, 8, 12 and 23-28.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet

Adrienne C. Johnstone
Adrienne C. Johnstone
Primary Examiner
Art Unit: 1733

Continuation of 5. does NOT place the application in condition for allowance because: applicants' argument that the initial compression modulus limitation is not inherently met by the reference contradicts the specification (p. 9 lines 9-19) and applicants' own confirmation that "a PEN cord meeting only the twist multiplier limitation [of less than or equal to about 375] would necessarily meet the initial compression modulus limitations of the claims" (pp. 2-3 of the remarks accompanying the amendment filed January 8, 2002)(see Paper Number 15 paragraph 7); however, it is not yet clear on the record whether applicants are in fact challenging the examiner's position that one of ordinary skill in the art would have understood that the tire belt PEN cords of the reference would necessarily have a denier per filament within applicants' broad range of greater than or equal to 2 in order to perform their function as tire belt cords (see Paper Number 15 paragraph 7: note that the examiner's position is specific to PEN tire belt cords as disclosed by the reference rather than PEN cords in general). Applicants' other arguments have been addressed in Paper Numbers 15 and 17.

Continuation of 10. Other: see the attached Examiner Interview Summary Record, Paper Number 19.